

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
FEBRUARY 12, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **February 12, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT UNTIL 6:45PM
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT@ 6:05PM
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT
HAL HEINER: PRESENT@ 6:45PM
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT@ 6:05 P,
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
BRENT ACKERSON: PRESENT

CLERK: There are 25 members present establishing a quorum.

PRESIDENT TANDY: Thank you, Madam Clerk. Madam Clerk, please cause the record to reflect that Councilwoman Ward-Pugh has an excused absence.

CLERK: So noted.

MOMENT OF SILENCE:

PRESIDENT TANDY: Thank you. The next item on our agenda is we actually have had a request for a point of personal privilege made by Councilwoman Bryant Hamilton to recognize the passing of a former elected official here in Louisville, so I will now turn it forward to Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President. Colleagues, I request a moment of personal privilege to acknowledge yesterday the passing of former Alderman Paul C. Bather. Paul was a former 12th Ward Alderman, Jefferson County Treasurer, and 43rd District State Representative. Paul Bather was a true public servant in every sense of the word. Whether he was in elected office or not, Paul was

always concerned about and working for quality-of-life issues for his West Louisville neighbors as well as the greater community as a whole.

Whether as vice president with the Bank of Louisville, responsible for their successful community reinvestment program, or at the Metro United Way, to working with Father Clement's One Church One Child program, or the U of L Urban Studies Institute as Associate Director, Paul used his time and energy on health and welfare issues. And in 2001, he was honored by the University of Louisville Center for Environmental Policy as Legislator of the Year for drafting and passing a model brownsfield environmental legislation.

At the Board of Aldermen, Paul's issues, influence, and accomplishments ran the gamut from downtown and neighborhood economic development and revitalization, education, crime and public safety, police conduct, juvenile curfew, hate crimes, providing help and treatment for substance abusers and ex-offenders, needed assistance and programming for senior citizens, cleaning up and beautifying Shawnee Park, neighborhoods, and alleys to remodeling the Shawnee Park golf course clubhouse. He also represented the Board of Aldermen on the Waterfront Park Board of Directors, where he helped oversee the development of phase one and fought for minority contractors participation on public projects and at Papa John's Stadium.

As chair of the Board of Aldermen's Housing Committee, Paul was influential on major housing and economic development projects. He established an emergency home repair and painting program that many of us still use today. He provided positive cultural and recreational activities for our youth and was active in creating and strengthening the city's sister city relationship with the city of Tamale, Ghana. He visited there many times and hosted delegations from Ghana when they came to Louisville. Paul participated in young leaders' exchanges with the former government of the Soviet Union and the government of Mexico. He also traveled to England and France and received the American Center for International Leadership Outstanding Leadership Award in 1987.

Paul marched and spoke out for fairness and justice issues on the streets of Louisville or by passing ordinances and resolutions at the Board. He spoke his mind and spoke for so many who felt no one would listen to them. He was an unrelenting advocate for the underdog. He never shied away from tackling unpopular or controversial issues, which often made him a lightning rod for criticism.

Paul put his talented mind and relentless energy into any endeavor he undertook and would spend many hours on the Internet researching other jurisdictions' laws or visiting them for guidance on issues in drafting his own legislation. I remember his ready smile, generous heart, and he would literally give you the shirt off his back. Paul was a good listener, but he was a good talker too. When he took the floor in these chambers, you better sit back in your chair and get comfortable because you knew he was going to be talking for a while. But you always knew where he stood, and if you listened to his passionate speeches, you would surely learn something you didn't know.

On a personal note, Paul was in my wedding 26 years ago, and like so many in Louisville, I considered him a good friend. And when, after 16 years on the Board of Aldermen, when he could have been alderman for life, he decided to go to the state legislature in Frankfort. Paul urged me to take his seat, finally convincing me that we could partner and work together on a state and local level to bring much needed resources for the betterment of our mutual constituencies. I knew I had big shoes to fill, but he walked door to door with me and provided guidance and mentored me on the legislative and political process.

Paul dealt with his final illness as he did his troubles and his critics, with grace, class, and a positive attitude. He will be sorely missed by many.

We extend to his family, many friends and neighbors our sincere sympathy on his passing, and we are preparing a formal resolution, a proclamation to be entered in the record of the Louisville Metro Council so his many accomplishments can be recorded for posterity and presented to his family at a memorial service in Louisville later this month. Thank you.

PRESIDENT TANDY: Thank you, Councilwoman. Now, at this time, I'd ask that you would join me in a moment of silence in honor of former Alderman and State Representative Paul Baker. [Moment of silence]

UPDATE ON WINTER STORM:

PRESIDENT TANDY: The next item that's on our agenda, we have a special guest who's joined us to discuss the -- give us an update on our recovery efforts from the winter storm. We have with us George Siemens, who is the vice president of external affairs for E.ON US. George, as you're making your way to the podium, Mr. Siemens as well as Vic Staffieri, the Chairman and CEO of E.ON US, have been asked to come to the Metro Council and to utilize this forum as a vehicle to inform the public as to their recovery efforts and how they dealt with the -- our most recent ice storm as well as the wind storms that have come through the community in September. Additionally, following this five-minute presentation, they have been asked to come back at a time determined by the chair and vice chair of the Transportation and Public Works Committee to have a more extensive discussion of E.ON US's plans to further discuss how they secure our electric utility system.

So with that, Mr. Siemens, we certainly thank you for coming, and we turn the floor over to you.

GEORGE SIEMENS: Thank you, President Tandy. On behalf of Vic and myself, we welcome the opportunity to address the members of the council. Vic is out of town and won't be back until Monday, so I hope you'll find me an adequate stand-in. We'd first of all like to express our appreciation for the various city agencies that work so closely with us, the police, the fire, the emergency services, MSD, everyone in the command center really, really pitched in and made every effort possible to get all of our citizens back and operating as quickly as possible. This was a tremendous storm, one that we haven't seen before and hopefully we'll never see again.

Right now, it's too early for us to provide a final wrap-up report on the storm since there's still much activity in progress, and last night the activity increased a bit more when the winds blew through town. There are still some of our citizens who don't have power. Hopefully that won't last but a bit longer. Our systems are currently being put together, and hopefully we'll have something in place here in fairly short order. However, at this point, we do have an update, I believe, to share with you to give you an idea of the perspective that we face and the magnitude of the storm, so if you'll permit me just briefly.

The storm came to us on January 26th, we had a bit of light snow. The 27th through the 29th, intermittent freezing rain, more snow February the 3rd to the 5th, 20-mile-an-hour wind gusts, which exacerbated the ice and the snow that had already accumulated, subzero wind chills, and finally, a snow accumulation in E.ON US's service territory of between two to ten inches, although we saw a bit less here in Louisville, and ice accumulation of between one to three inches. At that point, FEMA had declared Kentucky a disaster area, as you all well know. 101 of our 120 county were declared a state of emergency. Unfortunately, we had several deaths as a result of the storm. The governor characterized this as the worst natural disaster in the history of the state. To put this in perspective, from the windstorm in 2008, which everyone here is familiar with, and the ice storm of 2009, at the peak of the windstorm, we had 300,000 customers out. At the peak of the ice storm, we had about 205 customers out. During the windstorm, we had about 9600 wires on the ground, some ours, some cable, some telephone. During the peak of the ice storm, we had 12,120 wires down. We had broken poles during the windstorm of 555. We had 180 broken poles during the ice storm. Outage caused during the windstorm, about 346,000. Think about this many calls in a very narrow period of time. The ice storm, 382,000 calls. Now, I know that your Metrocall system had similar call volume. Restoration workers, about 3,000 during the windstorm of 2008; about 6,700 during the ice storm of 2009. Again, to give you an order of magnitude here.

We're proud of the electric system that we have, and we're proud of the operational practices that we employ and the people that put the system up and keep it up. However, there are always things that we can learn as a result of any storm, whether it's a wind storm or an ice storm, and we intend to learn from this storm as well. We routinely engage in these self-assessments, and we make them available to the Public Service Commission, which is our regulator, as well as to all of our internal folks. We are going to be working with the Kentucky Public Service Commission on this storm and its investigation of all of the issues associated with it, specifically to address some process issues that have come up related to the severity of the last two storms. We have not seen storms like this on a routine basis. We hope that we

don't again. But in any event, we have to prepare our system to ensure that if storms like this do come, we're in a position to restore as quickly and as effectively as possible.

We are going to provide the Commission and the Metro Council Committee with an analysis of options that we have to improve our system to better withstand more extreme weather. We're going to calculate the cost of the options. We're going to share with you and with the Public Service Commission the expertise that we have for assessing what we think will work best. And we're going to make that information available to you and to members of the Committee.

We recognize that the mayor and the Council have a very legitimate interest in these issues inasmuch as they affect the lives and well-being of our citizens, including the economic vitality of our community. We pledge to work with you to the best of our ability to provide you the information that you need, and we will hopefully work with you, our customers, and your constituents in a coordinated manner so that everyone has reasonable access to the information that is needed and we'll be happy to provide.

I want to thank you all for the opportunity to meet with you to discuss this and give you a brief thumbnail sketch of what we saw during both the windstorm and the ice storm. I look forward to coming back and visiting with you again and detailing more information. Mr. President.

PRESIDENT TANDY: Thank you, Mr. Siemens. We appreciate you being here. We look forward to again hearing more from you and your organization and participating in the plans as we move forward to help secure our system. Thank you, sir.

ADDRESSES TO COUNCIL:

PRESIDENT TANDY: Madam Clerk, are there any addresses to council?

CLERK: Yes sir.

Cynthia Knappek – Brightside Community Clean up

Herb Fink – Closing of Engine 7 Firehouse

Cathy Hinko – Housing and Utilities

Marlene Gordon – Results of Homeless Study

Connie Marshall – Circle of Corruption

Elizabeth Elliott – Violence against women

Cedric Jones – Neighborhood Place

Ambrea White – JB Atkinson Government Club

Keith Alvey – American Red Cross update

Bill Wells- Lincoln's Birthday

CLERK: That concludes the addresses to council.

INTRODUCTION OF PAGES:

PRESIDENT TANDY: Thank you, Madam Clerk. Next item on our agenda is introduction of pages. Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President. I'd like to ask if James Kramer would stand for us, please. This is my nephew, James Kramer. He is a first grader at St. Aloysius in Peewee Valley. His favorite things at this point in life are LEGOs, tractors, and cars. LEGOs to build things, I suppose tractors at some point in his life to drag those big things he's built around. So he's happy to be here tonight, and we're certainly happy to have him. Thank you. [Applause]

PRESIDENT TANDY: Very good. And I actually -- I have a page as well, and that's my honor and pleasure to introduce Christien Russell. Christien is a 17-year-old student of the law and government magnet program at Central High School. She is determined to enter into the honorable profession of becoming an attorney, and to better prepare herself to meet this goal, she's involved in many activities, such as the Kentucky Youth Assembly and the Teen Court. She is currently employed as an intern with Blackburn Domene & Burchett Law Firm here in Louisville, and last summer she interned with the Commonwealth Attorney's Office. She attended Summer Law Institute and volunteered with the

presidential campaign of President Barack Obama. She's an outstanding student with a 3.7 GPA and is a member of the National Honors Society, the Beta Club, the Future Business Leaders of America, and Whitney M. Young Scholars. She also serves on the Student Advisory Council to the Jefferson County Public School Board of Education and is the captain of the Central High School volleyball team. And so with all those activities, we are certainly honored and pleased that she found time in her extraordinarily busy schedule to come down here to City Hall and be a page for us this evening. So ladies and gentlemen, I again present to you Ms. Christien Russell.
All right.

GUESTS:

PRESIDENT TANDY: The next item on our agenda is introduction of guests. Councilman King.

COUNCILMAN KING: Thank you, Mr. President. I'm joined tonight by Pete McGrath. Pete is the Louisville Tennis Center's head pro, and I want to recognize and honor the Louisville Tennis Center for being selected as the 2009 facility of the year by the United States Tennis Association of Louisville. Just to give a little history on the center, it was dedicated in 1969, was the site of the Louisville International Tennis Classic from 1970 to 1982, in addition to local tournaments and leagues. The center remained open until 2001 but was closed during 2002 and 2003, when the building fell into disrepair. Through the leadership and vision of Pete and Parks Director Mike Heitz, it was renovated and reopened in 2004 and began turning a profit almost immediately. Play at the center has quadrupled over the last five years. During the summer, more than 1600 players participate in the center each week, and more than 500 junior players take tennis lessons there on a weekly basis. To keep up with projected demand, two additional courts were built in 2007, funded by a grant, and my aide wrote this, he said a generous grant, but I'll just say a grant from District 10 Capital Infrastructure Fund.

It is my understanding -- I know you all think it's generous -- it's my understanding that Metro Parks plans to add concessions and an expanded pro shop this year, and they did add extra seating last year. The Tennis Center reintroduced tournament play this last year with the Sam English State Clay Court Championships, named after the man who founded the center, and the Fall City Championships, viewed as the city's tennis championship, will be held there this year. I'm proud that the Louisville Tennis Center is located in District 10, atop the Trevilian plateau, with the Louisville Nature Center, Beargrass Creek State Nature Preserve, and of course, the Louisville Zoo. Clearly, under the leadership of Pete and Mike, we have another crown jewel in Louisville, and Pete, I want to offer my congratulations and give you a certificate memorializing this evening. [Applause]

PETE MCGRATH: I just want to quickly say thank you. We appreciate this. We've been working very hard. We feel it's very important that we have a strong community tennis program, and I think we have a great situation now in order to build upon that, so you have my commitment at the Louisville Tennis Center to continue down this journey and to continue to add programs that are available to everyone in the community. Thank you for this, and I appreciate it.

COUNCILMAN KING: Thank you. Thank you, Mr. President.

PRESIDENT TANDY: Thank you. Next we have a guest of Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. Good evening, colleagues. Each year we have a District 3 holiday party. It takes a lot of folk to pull something like this together, and I have some folks here tonight that made this happen for us, and I would like to -- like for the ladies of Alpha Kappa Alpha, AKA, sorority to join me here at the podium. We have the president here, Ms. Stephanie Slates, and my daughter-in-law, Mrs. Erica Woolridge. I would like to thank them. And let me just be brief and tell you what these AKA ladies did for us. They volunteered to decorate the site. We were at the Kirby Center of Excellence at 2312 Algonquin Parkway. We always ask our residents to bring canned goods for Dare to Care, so these ladies came and decorated, and Ms. Erica Woolridge, my daughter-in-law, she organized the group. And I would like to read her certificate because we certainly want to thank these young ladies, and we want to thank the president. It says

Louisville Metro Council, to all whom these letters shall come, greetings. Know ye that Louisville Metro Government Legislative Council hereby honors and awards Erica Woolridge the Alpha Omega Chapter

Alpha Kappa Alpha Sorority, Inc. the certificate of merit in appreciation of outstanding service and commitment to the community, we hereby confer this highest honor with all the rights, privileges, and responsibilities there unto appertaining, in testimony whereas we have caused these letters to be made and the seal of Louisville Metro Government to be hereunto affixed, done in Louisville, the 12th day of February, 2009, Mary C. Woolridge, Councilwoman for District 3, David Tandy, president of the Louisville Metro Council.

Again, we would like to thank for your service to the community and for what you did for District 3 holiday party. We would also like for you to present these certificates for your sisters who also volunteered, and one was Evita Smith Mozee, La Vonya Watkins, Karen Stone, and Kia Jones, who could not be here this evening. Again, we thank you.

ERICA WOOLRIDGE: Thank you. Last year our sorority celebrated 100 years of service to all mankind, and we do this type of thing just to keep in that spirit, and we're always available to help in community service. Thank you.

COUNCILWOMAN WOOLRIDGE: Thank you. At this time, I have some good-looking gentlemen sitting behind me. They are known as the Kappa Alpha Psi. I would like for these young men to join me. And as they're coming up to join me, I would like to say I'm so proud that my son is the president of this particular chapter, Donald L. Woolridge Sr.; however, he's unable to be here this evening. At this time, I would like, I think, the next brother in order is Mr. Samuel Bell. Okay. Hi, Mr. Bell. You know, these young men, what we did this year, we asked people to bring canned goods, and our theme for our holiday party was Caring and Sharing. We knew people out there was hurting. So District 3 decided to get boxes, and we filled boxes, 21 boxes, to give away along with our door prizes. These young men picked up hams, they put canned goods in boxes, they did everything that we asked them to do and more because I wasn't there. Unfortunately, I was in the hospital when my party was going on on December the 13th. But these young men certainly did a great job of making everything happen, and although my son couldn't be here tonight, I'd like to thank him for his services to District 3 and to the community and to his mother, all in that order.

The folks that volunteered for us this year were Christopher Jones, Gary Peterson, Gerard Ferris, Jerry Siegel, Justin Thaxton, Kelly Green, Kenneth Washington, Maq Marshall, Michael Mason, Noah Lucas, Oscar Carter Jr., Ransford Roberts, Rey McAlpin, Samuel Bell, Sean Pleasant, TJ Duncan, Vernon Jacobs, and Donald L. Woolridge, Sr. I'd like to read this certificate that we're going to present to all these young men. I'm only going to read Mr. Samuel Bell, and we also have some Louisville pins for you. It says

Louisville Metro Council, to all whom these letters shall come, greetings. Know ye that the Louisville Metro Government Legislative Council hereby honors and awards Samuel Bell, Louisville Alumni Chapter Kappa Alpha Psi Fraternity, Inc. The certificate of merit in appreciation of dedicated and outstanding community service. We hereby confer the highest honor with all the rights, privileges, and responsibilities there unto appertaining, in testimony whereas we have caused these letters to be made and the seal of Louisville Metro Government to be hereunto affixed, done in Louisville this 12th day of February, 2009, Mary C. Woolridge, Councilwoman, District 3; David Tandy, president of the Louisville Metro Council.

And again, I thank you all for all your work. Thank you for your volunteerism. We need more young men in the community like that. Thank you for being here tonight. Would you like to have any remarks to say?

SAMUEL BELL: Yes. First of all, I'd like to thank Councilwoman Woolridge for allowing us the opportunity to serve our community, and we look forward to continue to serve our community at every council, so please feel free to reach out to the brothers of Kappa Alpha Psi fraternity. Thank you. [Applause]

COUNCILWOMAN WOOLRIDGE: Please make sure that all your brothers get one. You have a remark, Mr. Carter? Okay. Thank you, Mr. President.

PRESIDENT TANDY: Thank you, Councilwoman Woolridge, and I certainly wore this tie in honor of the men of Kappa Alpha Psi. Just want to point that out. All right.

Little good-natured ribbing between fraternal organizations, all working together toward the common good, et cetera, et cetera, but we know which one is best.

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Next item of business is approval the council minutes we have the council minutes of the regular meeting of January 29, 2009. Are there corrections or deletions?

COUNCILMAN PEDEN: Motion to approve.

COUNCILMAN BLACKWELL: second.

PRESIDENT TANDY: The item is properly moved and seconded.

All in favor say aye.

ALL PRESENT: aye.

Opposed?

The ayes have it.

The minutes are approved as written.

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: The next item is approval of committee minutes.

The following committee's minutes need to be approved.

Regular: Appropriations, NDFs and CIFs - February 5, 2009

Regular: Budget - February 4, 2009

Regular: Committee of the Whole -January 29, 2009

Regular: Committee on Committees - February 10, 2009

Regular: Contracts and Appointments - February 4, 2009

Regular: Labor & Economic Development - February 4, 2009

Regular: Planning/Zoning, Land Design & Development - February 3, 2009

Are there any corrections or deletions?

COUNCILMAN DOWNARD: Motion to accept.

COUNCILMAN BLACKWELL: Second.

PRESIDENT TANDY: Properly moved and second.

All in favor say aye.

PRESIDENT TANDY: All opposed?

The ayes have it and minutes are approved as written.

Madame Clerk please let the record reflect that we have been joined by Councilman Hawkins.

CLERK: So noted.

SPECIAL PROCLAMATIONS:

PRESIDENT TANDY: Councilwoman Woolridge, you have a special -- is she here? Oh, okay. We'll come back to her. I would like to take a point of personal privilege here and just to recognize that today, February the 12th, 2009, is a very significant day for -- in this city and, indeed, for this country in light of the fact that today is the 200th birthday of President Abraham Lincoln, and we -- and in addition to that, it is also the 100th anniversary of the -- anniversary of the National Association for the Advancement of Colored People, also known as the NAACP. Both of these significant milestones in our history have ties to Louisville, in light of the fact that President Lincoln or then Abraham Lincoln first developed some of

his thoughts as it related to his opposition to the institution of slavery while sitting on the banks of the Ohio River here in Louisville and watching slaves being unloaded off of steam ships here in our city. Also, with regard to the NAACP, the -- one of the founders of the NAACP and its first chairman was a native Louisvillian by the name of William English Walling, and so on behalf of the Council, I have authored proclamations and will, Madam Clerk, ask that those be submitted into the record and that copies of those proclamations will be sent to the Kentucky Bicentennial Commission, as well as to the national headquarters of the NAACP respectively. Thank you.

To all whom these letters shall come, Greetings:

Know ye, that the Louisville Metro Government

Legislative Council hereby honors and recognizes the Bicentennial Celebration of the birthday of President Abraham Lincoln

WHEREAS, One of history's greatest leaders, and one of America's greatest Presidents, Abraham Lincoln, brought unity to a nation at war, comfort to citizens in crisis and freedom to people enslaved, AND

WHEREAS, Abraham Lincoln's grandfather, Captain Abraham Lincoln, moved to Kentucky in 1782 with the family eventually relocating to present-day Washington County and with the future president's parents being married in Springfield in 1806, AND

WHEREAS, Three years later, on February 12, 1809, Abraham Lincoln was born near Hodgenville where we first attended school in a log schoolhouse near the family's farm, AND

WHEREAS, As a young man, Lincoln developed his abhorrence of slavery while watching slaves being loaded onto riverboats on the Ohio River in Louisville, AND

WHEREAS, In Honor of his 200th birthday, Louisville joins in a nationwide bicentennial celebration with the dedication of a memorial in June, that will include a twelve foot statue of Lincoln seated on a rock and looking out over the river and carvings depicting the four different stages of Lincoln's life and experiences in Kentucky, AND

We honor and celebrate the life of President Abraham Lincoln and hereby confer this honor posthumously with all the rights, privileges and responsibilities thereunto appertaining In testimony whereof, we have caused these letters to be made, and the seal of the Metro Government to be hereunto affixed

*Done in Louisville at City Hall
In the Commonwealth of Kentucky
This 12th day of February, 2009*

/S/ DAVID W. TANDY

*David W. Tandy
President, Louisville Metro Council*

LOUISVILLE METRO COUNCIL

To all whom these letters shall come, Greetings:

Know ye, that the Louisville Metro Government Legislative Council hereby honors and recognizes the Centennial Celebration of the NAACP National Association for the Advancement of Color People

WHEREAS, On February 12th, 1909, The National Association for the Advancement of Colored People was founded by a multiracial group of activists, who answered "The Call," in New York City, N^Y initially calling themselves the National Negro Committee, AND

WHEREAS, A "native son" of Louisville, William English Walling, served the organization well as signer to the original call; Chairman of the Committee of Forty; Chairman of the National Negro Committee; and first Chairman of the Executive Committee of the NAACP, AND

WHEREAS, Throughout its one hundred years of service, the NAACP has and will continue to fight for justice and all people regardless of race, color, creed, or national origin,

Therefore, we honor and celebrate the Centennial of the NAACP and our beloved William English Walling in Louisville and recognize the NAACP's commitment to racial equality and hope that has inspired others throughout the world

And hereby confer this honor with all the rights, privileges and responsibilities thereunto appertaining

In testimony whereof, we have caused these letters to be made, and the seal of the Metro Government to be hereunto affixed

*Done in Louisville at City Hall
In the Commonwealth of Kentucky
This 12th day of February, 2009*

/S/ DAVID W. TANDY

*David W. Tandy
President, Louisville Metro Council*

CLERK: So noted.

PRESIDENT TANDY: All right. I don't -- Councilwoman Woolridge had a special proclamation recognizing February as African American History Month. In light of not seeing her here at this time, Madam Clerk, I'd ask that the -- that the proclamation be entered into the record for posterity.

KATHY HERRON: Okay.

PRESIDENT TANDY: Thank you. Well, she's back. Councilwoman, did you still want to address your proclamation?

COUNCILWOMAN WOOLRIDGE: Yes, Mr. President.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President

A PROCLAMATION

BY THE LOUISVILLE JEFFERSON COUNTY METRO GOVERNMENT RECOGNIZING FEBRUARY AS BLACK HISTORY MONTH

WHEREAS, We owe the celebration of Black History Month, and more importantly, the study of black history, to Dr. Carter G. Woodson, and

WHEREAS, Dr. Carter G. Woodson, a graduate of Berea College in Kentucky, launched Negro History Week in February of 1926 as an initiative to bring national attention to the contributions of black people throughout American history, and

WHEREAS, Carter Woodson who was born to parents who were former slaves, spent his childhood working in the Kentucky coal mines and enrolled in high school at age twenty but ultimately earned a Ph.D. from Harvard, and

WHEREAS, Woodson chose the second week of February for Negro History Week because it marks the birthdays of two men who greatly influenced the black American population, Frederick Douglas and Abraham Lincoln, and

WHEREAS, In 1976, in conjunction with the United States bicentennial, the Negro History Week was expanded and became established as Black History Month, and

WHEREAS, In year of 2009, the list of realized aspirations of African Americans now includes the election of Barack Obama as the first African American elected to the highest office in our nation, and

WHEREAS, Black History Month is a time for all Americans to recognize, commemorate, and reflect upon the tremendous contributions made by African Americans to America's diverse heritage, culture, and global history; and to inspire American leadership on all levels to continue their efforts to bring about a more just, peaceful, and prosperous society for all citizens.

Now we therefore hereby proclaim February as Black History Month in the Louisville Jefferson Metro area and urge all citizens to be mindful of the many valuable contributions of African Americans in our society.

***Done, at the Louisville/Jefferson Metro Council, this the 12th day of
February 2009***

/S/Mary C. Woolridge

Mary C. Woolridge, Councilwoman

Metro Council District 3

/S/ David Tandy
David Tandy, President

PRESIDENT TANDY: Thank you, Councilwoman.

COMMUNICATIONS FROM THE MAYOR

PRESIDENT TANDY: Madam Clerk, do we have communications from the mayor?

CLERK: Yes sir.

February 9, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Hazardous Materials Appeals & Overseers Board Ordinance, I am appointing Douglas V. Recktenwald to the **Hazardous Materials Appeals & Overseers Board**. This term shall expire on November 1, 2009.

Your prompt action on this appointment is most appreciated.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/raw

cc: Councilwoman Vicki Welch enclosure
e-copy to MCC

February 9, 2009

Mr. David Tandy, President
Metro Council
601 West Jefferson Street
Louisville, KY 40202

Dear President Tandy:

In accordance with the Neighborhood Plan Ordinance, I am appointing the following to the **Westport Road Small Area Plan Advisory Board**.

Name		Term
Michael Neal Doyle	New appointment	n/a
Roy H. Fey	"	"
Lisa Humes Hebert	"	"
Patricia Jean Masterson	"	"
Ellen S. Wade	"	"
Devon M. Woodlee	"	"
Charles Christopher Palmer-Ball	"	"
Susan M. Barto	"	"

Council approval of these appointments is not required.

Sincerely,

/s/ Jerry E. Abramson

Jerry E. Abramson
Mayor

JEA/set

cc: Councilwoman Vicki Welch
e-copy to MCC

CLERK: Read in full.

PRESIDENT TANDY: Thank you, Madam Clerk these items will be referred to the Contracts and Appointment Committee for review.

CONSENT CALENDAR:

PRESIDENT TANDY: The next item is business is the content calendar is consisted of items 10 through 19. Are there any additions or deletions? Councilman Heiner

COUNCILMAN HEINER: Yes, Mr. President, ask that item 36 be moved to old business.

PRESIDENT TANDY: All right. Thank you. Without objection, item 36 will be moved to old business. The new consent calendar will now comprise of items 12 through 35, and items 37 through 44. Madam Clerk, a second reading of these items.

12- AP020409JD APPOINTMENT OF JOHN R. "BOB" DOOLEY TO THE BUECHEL FIRE PROTECTION DISTRICT BOARD, TERM EXPIRES JUNE 30, 2010. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

13- AP020409DN APPOINTMENT OF DAVID L. NELLY, SR. TO THE PLEASURE RIDGE PARK FIRE PROTECTION DISTRICT BOARD, TERM EXPIRES JUNE 30, 2010. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

14- AP020409TS APPOINTMENT OF TRACY SCHILLER TO THE JEFFERSON COUNTY COOPERATIVE EXTENSION SERVICE DISTRICT BOARD, TERM EXPIRES DECEMBER 31, 2011. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

15- RP020409WS REAPPOINTMENT OF WILLIAM SMITH TO THE JEFFERSON COUNTY COOPERATIVE EXTENSION SERVICE DISTRICT BOARD, TERM EXPIRES DECEMBER 31, 2011. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

16- RP020409DA REAPPOINTMENT OF DALE AHEARN TO THE LIBRARY ADVISORY COMMISSION BOARD, TERM EXPIRES DECEMBER 31, 2011. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

17- RP020409CW REAPPOINTMENT OF CECILIA WOODEN TO THE LIBRARY ADVISORY COMMISSION BOARD, TERM EXPIRES DECEMBER 31, 2011. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

18- RP020409DD REAPPOINTMENT OF DEBRA DELOR TO THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT BOARD, TERM EXPIRES JANUARY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

19- RP020409TM REAPPOINTMENT OF TIM MULLOY TO THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT BOARD, TERM EXPIRES JANUARY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

20- RP020409KS REAPPOINTMENT OF KATHY SLAY TO THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT BOARD, TERM EXPIRES JANUARY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

21- RP020409PF REAPPOINTMENT OF PAUL FORD TO THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT BOARD, TERM EXPIRES JANUARY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

22- RP020409SM REAPPOINTMENT OF SAM MOSELEY TO THE LOUISVILLE DOWNTOWN MANAGEMENT DISTRICT BOARD, TERM EXPIRES JANUARY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

23- RP020409RJ REAPPOINTMENT OF RAMONA JOHNSON TO THE LOUISVILLE AND JEFFERSON COUNTY BOARD OF HEALTH, TERM EXPIRES JULY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar

Committee: Contracts and Appointments

24- RP020409SB REAPPOINTMENT OF DR. SHERRY BABBAGE TO THE LOUISVILLE AND JEFFERSON COUNTY BOARD OF HEALTH, TERM EXPIRES JULY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

25- RP020409MH REAPPOINTMENT OF MICHELE HARBIN WILLIAMS TO THE LOUISVILLE AND JEFFERSON COUNTY BOARD OF HEALTH, TERM EXPIRES JULY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

26- RP020409KS REAPPOINTMENT OF DR. KAREN COST TO THE LOUISVILLE AND JEFFERSON COUNTY BOARD OF HEALTH, TERM EXPIRES JULY 31, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

27- RP020409PL REAPPOINTMENT OF PHILIP LEVY TO THE URBAN RENEWAL COMMISSION BOARD, TERM EXPIRES JUNE 30, 2012. **(Approved)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments

28- R-11-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT - (AHEAD HUMAN RESOURCES - \$100,000.00). **(Resolution 17, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

29- R-14-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (DR. JAMES R. MCCAMMON, PH.D. - \$20,000.00). **(Resolution 18, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Judy Green

30- R-16-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING AMENDMENT TO A NONCOMPETITIVELY NEGOTIATED PROFESSIONAL SERVICE CONTRACT - (HNTB CORPORATION - \$39,200.00 FOR A NEW NOT TO EXCEED AMOUNT OF \$239,200.00). **(Resolution 19, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Contracts and Appointments
Primary Sponsor: Hal Heiner

31- O-225-12-08 AN ORDINANCE RATIFYING AND APPROVING A COLLECTIVE BARGAINING AGREEMENT (JULY 1, 2008 JUNE 30, 2013) RELATING TO WAGES, BENEFITS AND OTHER TERMS

AND CONDITIONS OF EMPLOYMENT BETWEEN LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AND LOUISVILLE METRO TRAFFIC GUARDS ASSOCIATION CONCERNING CERTAIN EMPLOYEES OF THE LOUISVILLE METRO POLICE DEPARTMENT.
(Ordinance 7, Series 2009)

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

32- R-9-01-09 A RESOLUTION DETERMINING EIGHT PARCELS OF REAL PROPERTY LOCATED AT 1523, 1521, 1515, 1511, 1511-R GARLAND AVENUE, 906 S 15th STREET, 1523 W. KENTUCKY, AND 1528-R W. BRECKINRIDGE STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR CONVEYANCE TO ST. STEPHEN BAPTIST CHURCH, INC. **(Resolution 20, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

33- R-15-01-09 A RESOLUTION AUTHORIZING THE PURCHASE OF A CERTAIN TRACT OF REAL PROPERTY LOCATED IN JEFFERSON COUNTY KENTUCKY FOR THE LEVEE TRAIL.
(Resolution 21, Series 2009)

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: Rick Blackwell

34- R-19-01-09 A RESOLUTION DETERMINING THREE (3) PARCELS OF REAL PROPERTY LOCATED AT 5330 CEDRUS CIRCLE (2030-0052-0000), 5207 KILMER BOULEVARD (0856-0133-0171), AND 4400 SHASTA TRAIL (0856-0097-0141), OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR TRANSFER. **(Resolution 22, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: Barbara Shanklin

35- R-17-01-09 A RESOLUTION DETERMINING ONE (1) VACANT PARCEL OF REAL PROPERTY LOCATED AT 720 OLDHAM STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER. **(Resolution 23, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

ITEM 36 MOVED TO OLD BUSINESS

37- O-8-01-09 AN ORDINANCE AMENDING ORDINANCES NO. 115 SERIES 2003, ORDINANCE NO. 94, SERIES 2004, ORDINANCE NO. 98, SERIES 2005, AND ORDINANCE NO. 112, SERIES 2006 RELATING TO THE CAPITAL BUDGETS FOR FISCAL YEARS 2003-04, 2004-05, 2005-06, AND 2006-07, FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT BY TRANSFERRING \$30,443 OF CAPITAL CUMULATIVE RESERVE FUND BETWEEN CAPITAL PROJECTS. **(Ordinance 8, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Budget
Primary Sponsor: Kevin Kramer

38- O-240-12-08 AN ORDINANCE APPROPRIATING \$6,000 FROM THE DISTRICT 16 NEIGHBORHOOD DEVELOPMENT FUND THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE WORTHINGTON FIRE PROTECTION DISTRICT FOR THE PURCHASE AND INSTALLATION OF 10-YEAR LITHIUM BATTERY SMOKE DETECTORS IN LOWER INCOME RESIDENTS LOCATED WITHIN SUCH DISTRICT. **(Ordinance 9, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kelly Downard

39- O-241-12-08 AN ORDINANCE APPROPRIATING \$29,073.75 FROM DISTRICT 25 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. TO PURCHASE PLAYGROUND EQUIPMENT FOR KENWOOD ELEMENTARY SCHOOL AND THE SURROUNDING NEIGHBORHOOD. **(Ordinance 10, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Doug Hawkins

40- O-242-12-08 AN ORDINANCE APPROPRIATING A TOTAL OF \$6,000 WITH \$3000 EACH FROM DISTRICT 16 AND DISTRICT 17 NEIGHBORHOOD DEVELOPMENT FUNDS THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO THE JEFFERSON COUNTY PUBLIC EDUCATION FOUNDATION, INC. TO REPLACE THE PA SYSTEM AT THE BALLARD HIGH SCHOOL STADIUM. **(Ordinance 11, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Kelly Downard
Primary Sponsor: Glen Stuckel

41- O-243-12-08 AN ORDINANCE APPROPRIATING \$ 7,000 FROM DISTRICT 14 NEIGHBORHOOD DEVELOPMENT FUND, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE SOUTHWEST CENTER FOR THE DEVELOPMENTALLY DISABLED, INC. FOR THE PURCHASE AND INSTALLATION OF AN EMERGENCY COMMUNICATIONS SYSTEM. **(Ordinance 12, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Robert Henderson

42- O-2-01-09 AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,500 FROM DISTRICT 9; \$500 EACH FROM DISTRICTS 1, 4, 8, 12, 13, AND 26; \$300 EACH FROM DISTRICTS 3 AND 21; \$250 EACH FROM DISTRICTS 2 AND 15; AND \$200 EACH FROM DISTRICTS 10 AND 14, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE AIDS SERVICES CENTER COALITION, INC. FOR PROGRAMMING EXPENSES. **(Ordinance 13, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs

Primary Sponsors: Tina Ward-Pugh
Judy Green
David Tandy
Rick Blackwell
Mary C. Woolridge
Dan Johnson
Barbara Shanklin
Marianne Butler
Jim King
Robert Henderson
Brent Ackerson
Tom Owen
Vicki Aubrey Welch

43- O-4-01-09 AN ORDINANCE APPROPRIATING \$8,075 DISTRICT 25 NEIGHBORHOOD DEVELOPMENT FUNDS, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE KENTUCKY SHAKESPEARE FESTIVAL, INC. FOR EDUCATIONAL PROGRAM EXPENSES. **(Ordinance 14, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Doug Hawkins

44- O-5-01-09 AN ORDINANCE APPROPRIATING \$7,043.50 FROM THE DISTRICT 17 NEIGHBORHOOD DEVELOPMENT FUND TO THE DEPARTMENT OF PUBLIC WORKS FOR COMPLETION OF SIDEWALK CONSTRUCTION ON MURPHY LANE. **(Ordinance 15, Series 2009)**

Status: On Council Agenda - Consent Calendar
Committee: Appropriations, NDFs and CIFs
Primary Sponsor: Glen Stuckel

PRESIDENT TANDY: Is there a motion to approve?
COUNCILMAN PEDEN: Motion to approve.
COUNCILWOMAN BUTLER: Second.
PRESIDENT TANDY: The item is properly moved and seconded.
The consent calendar requires a roll call vote.
Madame Clerk, please open the voting.

Voting result: Consent Calendar

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: YES
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: EXCUSED EARLY
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: YES
TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: YES
KEVIN KRAMER: YES
RICK BLACKWELL: YES

VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: YES
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 24 yes votes and two members not voting; Councilwomen Ward-Pugh and Hamilton.

OLD BUSINESS:

PRESIDENT TANDY: The next item is Old Business. Madam Clerk, a reading of item 36.

36. O-10-01-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT, AUTHORIZING AND DIRECTING THE PARKING AUTHORITY OF RIVER CITY INC. ("PARC") TO ISSUE ITS FIRST MORTGAGE REVENUE BONDS, OR BOND ANTICIPATION NOTES, SERIES 2009A TO FINANCE THE ACQUISITION OF THE LOUISVILLE ARENA PARKING GARAGE AND ADDITIONAL CAPITAL EXPENDITURES FOR PUBLIC PARKING AND GARAGE FACILITIES LOCATED IN LOUISVILLE METRO AND TO ISSUE ITS FIRST MORTGAGE REVENUE REFUNDING BONDS, SERIES 2009B TO CURRENTLY REFUND THE OUTSTANDING PRINCIPAL AMOUNT OF THE CITY OF LOUISVILLE PARKING AUTHORITY OF RIVER CITY, INC., FIRST MORTGAGE REVENUE REFUNDING BONDS, SERIES 1997 (COLLECTIVELY, THE SERIES 2009A BONDS AND SERIES 2009B BONDS, THE "2009 BONDS"), AND RELATED EXPENDITURES; AUTHORIZING THE EXECUTION AND DELIVERY OF A SUPPLEMENTAL INDENTURE, A SUPPLEMENTAL LEASE AND A SUPPLEMENTAL SECURITY AGREEMENT NECESSARY TO EFFECT THE ISSUANCE OF SUCH BONDS; AND TAKING OTHER RELATED ACTION. (**Ordinance 16, Series 2009**)

Status:	On Council Agenda - Consent Calendar
Committee:	Labor & Economic Development
Primary Sponsor:	Jim King

PRESIDENT TANDY: Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President. This was in the Labor and Economic Development Committee. It passed out of committee unanimously and was originally sent to the consent, as you know. Since that time, I believe Councilman King and Heiner have worked on an amendment, and so I'd like to turn it over to Councilman King to talk about that, if I could.

PRESIDENT TANDY: All right. Councilman King.

COUNCILMAN KING: Thank you, Mr. President, and I had intended to let Councilman Heiner present this, and so let me just talk about it briefly myself, and then if he'd like to talk to it, that would be just as well. The issue that came up in our discussion in the Economic Development Committee had to do with

the fact that the bond issue that is the subject of this matter that we're dealing with right now is -- is backed by the revenue derived from the parking garages system wide that the Parking Authority of River City runs, but also, ultimately, the City of Louisville becomes the guarantor of last resort in the event that the revenues derived from this -- the parking garage does not meet the cash flow needs of PARC.

We learned during the committee that this parking garage in particular, because it is being built as part of the arena, probably is being built at a higher cost than a normal parking garage because of the infrastructure needs. It'll be supporting the plaza and part of the arena lobby, and there's an allocation of cost from Mortensen and from the Arena Authority that was agreed upon that is probably higher than what you would normally see for a parking garage. That said, I think we all agree that the arena needs a parking garage, and we were all part of that process, but what we can do now is we understand that that parking garage will probably run a deficit of a million to a million and a half dollars a year I think is what we came up with, possibly a little bit more, but in terms of its debt service, and that will have to be funded out of the free cash flow that PARC currently has. That said, we felt like it was important, that committee and myself and Councilman Heiner have been working on that pursuant to that, that the Council have a little bit more direct oversight with respect to the PARC budget, and as you know, we do get the PARC administrative budget, I believe, that comes before us, but the capital budget and debt service and those types of activities typically don't. So Councilman Heiner and I have been talking over the last few days and this afternoon worked together on some language that I think is fairly simple in terms of what we want to accomplish, and at this point, rather than me doing all the talking, I would like you to allow Councilman Heiner to be recognized, if he would like to be, and then possibly he could complete the discussion, move the amendment, and I'll be happy to second it.

PRESIDENT TANDY: Councilman Heiner.

COUNCILMAN HEINER: Thank you, Mr. President. This is a large bond issue at \$39 million and a very expensive garage. If you take the bond issue and divide by the number of spaces, it comes out to about \$50,000 per parking space, which may be as much as five times what you would typically pay for a parking garage. So it's an expensive garage. As a result, the garage, as Councilman King discussed, is never expected to make a profit or even break even, and it'll probably be for the 30 years of the bond, you know, will lose a million, million and a half dollars per year. Where that gets interesting is that in the testimony at committee, that PARC right now, their free cash flow, sort of their profit from their other garages right now is about \$2 million. So if you take the \$2 million and take off a million or a million and a half, they start coming pretty close to a break-even organization, and if it ever got below break-even, that would mean Metro Council or Metro Government would have to -- would have to support PARC.

In looking at the enabling ordinances for PARC, it talks about various approvals but wasn't clear as to budget approval, and being we are supporting -- have the ultimate responsibility to support PARC, we felt like that should be -- that should be clear, that even though they submit budgets to us, that we do have that budget authority. So everyone should have a copy of the proposed amendment, and Mr. President, I'd like to move an amendment that would insert a new section 7 in the ordinance that's in front of us. That would actually amend the ordinance that set up PARC, and it would amend two paragraphs in section 32.5.01, paragraph "B" and "G."

In front of you, you'll see the additions in blue and the strikeouts in red. Everything in black is in the current ordinance. On paragraph 1, Metro Council has been inserted, along with the mayor and the PARC Board, on approving financing of the parking facilities, as well as the operation and acquiring new facilities. In paragraph 2, it's essentially just a restated sentence with no -- no changes from what's in the current ordinance other than a repositioning of some words. It has no functional effect. And sentence 3 is the same as well. So the only real functional change is in paragraph 1 where "Metro Council" has been inserted.

In paragraph "G," you'll see there in black, under item 1, the way paragraph "G" reads today. We've added just so things were crystal clear sentence number 2 under "G," which reads as follows. All funds expended by PARC, included but not limited to operating, capital, and debt service costs, shall be consistent with the operating and capital budgets as amended from time to time and as approved by the Mayor and Metro Council. And I move this amendment.

COUNCILMAN KING: I'll second that.

PRESIDENT TANDY: Okay. The amendment has been properly moved and seconded. Is there any discussion on the amendment? If I might have a point of information, the section -- it says that you're amending Ordinance 32.5.01. B. Did you mean to say that it was section 32.051B of the Louisville Metro code of ordinance?

COUNCILMAN HEINER: Yes, section 32.501.

KATHY HERRON: Of the code?

COUNCILMAN HEINER: Yes, that's right.

KATHY HERRON: Thank you. I'll make that technical correction.

PRESIDENT TANDY: Is there any discussion with regard to the amendment that's before us? All right. Seeing none, all in -- let's see. All in favor of this amendment, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it. We now have the amended ordinance before us. Is there any further discussion about the amended ordinance? Councilman Downard.

COUNCILMAN DOWNARD: Thank you, Mr. President. I want to sincerely thank Councilman King and Councilman Heiner for working on this. This is a much more serious thing I think than we thought as we got into it, but I want to just point out something that -- to do with the numbers of what's been said. A million and a half dollars a year is \$45 million in a 30-year bond document, and you need to know as you all should be aware -- if anybody isn't, I'll tell you, I was severely in favor of this arena, and I continue to be so and will support this pretty strongly. But this is \$45 million this city's been committed to we didn't ever know about, and had the people in that committee not asked a couple of questions, we wouldn't know about it right now. We would be backstopping a \$45-million loss at PARC and not knowing it. Now, PARC has been fairly lucrative over the years, and it has earned money, but as Councilman Heiner and Councilman King noted, it's getting down close. This is something that's really pretty important. I had very serious concerns about this bond issue until they got together and collaborated on this change. I think moving forward, we need to take a real hard look at the budget this year because if anything should happen to one of the garages, I mean, we have a budget obligation that we don't know about and we've never said anything about and it's not in our budget. But we have an obligation to backstop this. If, in fact, the cash flow from the garage doesn't pay this bond issue, we have to, the City does. We don't have room for that anywhere, nor have we ever said so. I really thank my colleagues for bringing this to light in committee. From the committee chair, all the way down to the members and the people who were visiting there. But we, in these times, I guess we all know we've got to start taking a real hard look at a lot of things, and that will be just one of them. I really thank you all for doing this. It is terribly important. It's not pennies. It's millions. And I thank you, and I would ask for support of this along with what my colleagues have done. Thank you, Mr. President.

PRESIDENT TANDY: Thank you. Councilman King.

COUNCILMAN KING: Yeah, just pick up on that just briefly. Just to make sure everyone understands, we -- and I'm not correcting anything you said at all. I just want to clarify in my mind. We did know there would be a parking garage and we did understand that. We really didn't know the details of the cost until we got into the bond issue and the Economic Development Committee reviewed it. That is where I first learned about the backstop that we have on the PARC bonds with the system wide lease that we have. So I do think that the committee did a good job in bringing that out, and I think this addresses that. I also don't -- I don't have a concern that PARC will be running a deficit and that we will have to stand good for this. I have no reason to think that we will right now, and I just don't want the public to think that we are expecting another budget deficit. I think that everything will be okay based on the projections we've seen and the fact that PARC does a good job of running that operation. But I certainly think that this change gives us some oversight that we need. Thank you.

PRESIDENT TANDY: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President. I'll be brief. I concur with councilman from the 16th district. He's on that Budget Committee, and I'm on that committee too, and I think we will be watching things much more closely.

The computation that Councilman Heiner did -- and I'm kind of being facetious here -- seemed like it's \$50,000 to build each parking space. I'm just wondering how much they're going to charge for us to park in them.

COUNCILMAN KING: Just a thousand a day, get it back in 50 days.

COUNCILMAN ENGEL: You have your parking spot for the game, don't you, Councilwoman?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

PRESIDENT TANDY: Thank you. Is there any other further discussion? Seeing none, this amended ordinance calls for a roll call vote. Madam Clerk, please open the voting.

Voting Result – Item 36

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: EXCUSED EARLY

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: YES

RICK BLACKWELL: YES

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: NO

BRENT ACKERSON: YES

CLERK: There are 23 yes votes, one No vote from CM Hawkins, and two not voting, Council Members Hamilton, Ward-Pugh.

PRESIDENT TANDY: **This item passes.** The next item on our agenda is item 45. Madam Clerk, a reading.

45- O-7-01-09 AN ORDINANCE APPROPRIATING ~~\$11,000~~ \$17,500 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$1,000 FROM DISTRICT 5; \$1,000 FROM DISTRICT 15; \$2,000 FROM DISTRICT 4; \$3,500 FROM DISTRICT 13; \$2,500 FROM DISTRICT 1, AND ~~\$3,500~~ \$7,500 FROM DISTRICT 26, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE CENTER FOR WOMEN AND FAMILIES, INC. TO PROVIDE OPERATING

EXPENSES FOR SHELTER AND TRANSITIONAL HOUSING FOR VICTIMS OF DOMESTIC VIOLENCE. (AS AMENDED) (**Ordinance 17, Series 2009**)

Status: On Council Agenda - Old Business
Committee: Appropriations, NDFs and CIFs
Primary Sponsors: Brent Ackerson
Cheri Bryant Hamilton
David Tandy
Marianne Butler
Vicki Aubrey Welch
Judy Green

PRESIDENT TANDY: Is there a motion?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have the amended committee version before us. Is there any discussion? Councilman Engel.

COUNCILMAN ENGEL: Thank you, Mr. President. This was amended in committee to \$17,500, and there have been a couple of questions at the 5:15 meeting with regard to the actual request, and the answer for that, folks, is that the request was \$50,000 and not \$17,500, so the request is out there for \$50,000; and therefore, in discussion, in the 5:15, I believe that there are a couple or members that would like to amend this, Mr. President, so I would allow -- I would pass that back on to you for the additional amendments to this.

PRESIDENT TANDY: All right. Thank you, Councilman Engel. Are there any additional amendments to this ordinance? Councilman Johnson.

COUNCILMAN JOHNSON: Yes. I'd like to put \$500 in.

PRESIDENT TANDY: Are there any additional amendments? Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: District 2 would like to put a thousand dollars in.

PRESIDENT TANDY: Are there any additional amendments? Councilman Peden.

COUNCILMAN PEDEN: District 23 will do a thousand dollars, please.

PRESIDENT TANDY: Councilman Jon Ackerson.

COUNCILMAN JON ACKERSON: District 18 will do a thousand.

PRESIDENT TANDY: Are there any additional? Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President. District 24 will do a thousand dollars.

PRESIDENT TANDY: Are there any additional amendments? All right. Seeing none, Madam Clerk, if you would, please, reread the -- the number of amendments and the new total for this ordinance.

CLERK: Right. District 2 gave a thousand dollars, District 21, 500; District 23 a thousand; District 18 a thousand; and district 24 a thousand. It's an addition of 4500, which takes it up to 22,000.

COUNCILMAN ENGEL: I'd like to move those amendments, Mr. President.

COUNCILWOMAN GREEN: Second.

PRESIDENT TANDY: Properly moved and seconded. All in favor of the amendment, please signify by saying aye.

ALL PRESENT: AYE

All opposed. The ayes have it, (The amendment passed.)

.We now have the amended version of this ordinance before us. Is there any further discussion on the ordinance? Seeing none, this ordinance requires a roll call vote. Madam Clerk, please open the voting.

Voting Result – Item 45

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: EXCUSED EARLY

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: YES

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: EXCUSED EARLY

RICK BLACKWELL: EXCUSED EARLY

VICKI WELCH: YES

BOB HENDERSON: YES

MARIANNE BUTLER: YES

KELLY DOWNARD: YES

GLEN STUCKEL: YES

JON ACKERSON: YES

HAL HEINER: YES

STUART BENSON: YES

DAN JOHNSON: YES

ROBIN ENGEL: YES

JAMES PEDEN: YES

MADONNA FLOOD: YES

DOUG HAWKINS: YES

BRENT ACKERSON: YES

CLERK: There are 22 yes votes and four members not voting, Council Members Hamilton, Ward-Pugh, Kramer, and Blackwell.

PRESIDENT TANDY: **This ordinance, as amended, passes.**

Madam Clerk, for the record, please also allow for excused absence for the remaining of this meeting for Councilman Blackwell as well as Councilman Kramer.

CLERK: So noted.

PRESIDENT TANDY: Madam Clerk, a reading of Item 46.

46- R-194-11-08 A RESOLUTION DETERMINING TWO PARCELS OF REAL PROPERTY LOCATED AT 1537 HALE AVENUE AND 1535 W. OAK STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR CONVEYANCE TO CENTENNIAL OLIVET BAPTIST CHURCH, INC. (Amend by Substitution). **(Resolution 24, Series 2009)**

Status: On Council Agenda - Old Business

Committee: Labor & Economic Development
Primary Sponsor: George Unseld

PRESIDENT TANDY: Is there a motion?
COUNCILWOMAN WOOLRIDGE: So moved.
COUNCILWOMAN BUTLER: Second.

PRESIDENT TANDY: It's properly moved and seconded. We now have the committee-amended version before us. Is there any discussion? Councilwoman Butler.

COUNCILWOMAN BUTLER: Yes. Thank you, Mr. President. This came before the Labor and Economic Development cabinet. When the administration originally came to us, it was just a surplus to go out and sell. In the meantime, they discovered that Centennial Olivet Baptist Church owned several parcels on that block and had been accumulating them to build a family life center. And therefore, to roll this over and to make it property that is going to a good use again, they changed to a conveyance. It passed unanimous in committee, so we ask for your support on the floor.

PRESIDENT TANDY: Any further discussion? All right. Seeing none, the question is on the committee-amended version, including the committee's amendment. This resolution requires a voice vote for the -- a vote for the committee amended version adopts the committee's recommended amendment. All those in favor, please signify by saying aye.

ALL PRESENT: ALL

All opposed. The ayes have it, and **the resolution, as amended, passes.**

Madam Clerk, please also have an excused absence for Councilman Downard for the remainder of this meeting.

CLERK: So noted.

PRESIDENT TANDY: Madam Clerk, a reading of Item 47.

47- O-12-01-09 AN ORDINANCE AMENDING CHAPTER 2, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO USE LISTINGS IN THE C-N, NEIGHBORHOOD COMMERCIAL, AND C-R, COMMERCIAL RESIDENTIAL ZONING DISTRICTS, CHAPTER 4, PART 2 OF THE LAND DEVELOPMENT CODE PERTAINING TO CONDITIONAL USE PERMITS AND CHAPTER 4, PART 4 OF THE LAND DEVELOPMENT CODE PERTAINING TO CELLULAR ANTENNA TOWERS (CASE NO 11941). (6-18-2008)

Status: On Council Agenda - Old Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

PRESIDENT TANDY: Is there a motion?
COUNCILWOMAN WELCH: So moved.
COUNCILWOMAN SHANKLIN: Second.

PRESIDENT TANDY: Properly moved and seconded. We now have this item before us. Councilman Owen.

COUNCILMAN OWEN: Yes. Thank you, Mr. President. I'm going to be leaving the chamber. The title of this ordinance, a change in our Land Development Code, is a little bit deceptive because there's more involved in changing than just matters relating to cell towers. And there is an issue involved in this ordinance for which my family and myself have, perhaps, a perceived conflict of interest, so I'll be leaving the chamber and ask my vice chair of the committee, Mr. Stuckel, to make the presentation on this issue, and I'll return after the vote, so I guess you can say he left the chamber and I'm not even going to file an abstention. I think he's just not present.

(Councilman Owen exited the chambers.)

PRESIDENT TANDY: All right. Thank you. Councilman Stuckel.

COUNCILMAN STUCKEL: Thank you, President Tandy. Planning Commission hearing was held on December 18th, 2008, and no one spoke in opposition. The Commission approved the request and made a recommendation for approval by the Metro Council. The following changes were discussed. In item 2.4, the various uses for that particular C-1 listing and C-2, and in C-2, the commercial district, elimination of blood plasma collection centers. In 4.2, we created two definitions for blood plasma collection centers and entertainment activity. We added blood plasma collection centers to 4.2. Commercial greenhouses, plant nursery and landscape material and supply were added. Outdoor alcohol sales and consumption and entertainment was added. And solid waste management facilities and fire wood production and sales. In 4.4, antenna towers for cellular communications services or personal communication services, both new and existing. The following were discussed: conditional use permits; changing the characteristics of a property; the possible stipulation that if residential is changed and then abandoned, the property is to change back to residential; restrictions to porn districts; opportunities in the community for blood plasma collection uses; waivers and conditional use permits; notification of extension and existing cellular towers versus new cellular towers and response times. Councilman Butler was the -- Councilwoman Butler was the sponsor of this item. I'm sure she'll want to address it. We've sent it to the Council with a 3-1 vote for.

PRESIDENT TANDY: All right. Thank you. Councilwoman Butler.

COUNCILWOMAN BUTLER: Thank you, Mr. President. I'm only a sponsor of one small portion of this. Some of this was self-directed from the Planning Commission. They wrote everything into one thing. My portion was on blood plasma centers. It's been almost a yearlong process. When I discovered that a blood plasma center could locate anywhere in a C-2 zoning, which means if you had a small neighborhood grocer that left, they could go in there the next day without any of the neighbors being notified, without a conditional use permit, without a restriction on hours, et cetera. And some of these facilities can bring over 1700 visitors a week into that community.

With the help of the Planning Commission and with the help of LMPD, in particular, Lieutenant Shugart and Chris French with the Planning Commission, research was conducted, crime statistics were pulled to see what exactly happens around some blood plasma centers. We had meetings at the Planning Committee of the Planning Commission. We had hearings there. No one spoke in opposition. We had hearings with the Planning Commission. No one spoke in opposition. And so I urge you to support this. I believe when it came out 3-1, there was a question on one of the other items on this. That has since been cleared up. So I ask you to support this. It will help all of us in the future with conditional use permits for a use that, when it goes into a neighborhood, it can dramatically change a neighborhood. Thank you.

PRESIDENT TANDY: Any further discussion? Seeing none, this is an ordinance. It calls for a roll call vote. Madam Clerk, please open the voting.

Voting Result – Item 47

JUDY GREEN: YES

BARBARA SHANKLIN: YES

MARY WOOLRIDGE: YES

PRESIDENT DAVID TANDY: YES

CHERI BRYANT HAMILTON: EXCUSED EARLY

GEORGE UNSELD: YES

KEN FLEMING: YES

TOM OWEN: NOT VOTING

TINA WARD-PUGH: EXCUSED ABSENCE

JIM KING: YES

KEVIN KRAMER: EXCUSED EARLY

RICK BLACKWELL: EXCUSED EARLY
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: EXCUSED EARLY
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: PRESENT
BRENT ACKERSON: YES

CLERK: There are 19 yes votes, one member voting present -- that would be Councilman Hawkins -- and six not voting, Council Members Hamilton, Owen, Ward-Pugh, Kramer, Blackwell, and Downard.

PRESIDENT TANDY: **This ordinance passes.** The next item on our agenda is item number 48. Madam Clerk, a reading of this item.

48- O-185-09-08 AN ORDINANCE CLOSING A 115-FOOT LONG SECTION OF UNNAMED 16-FOOT-WIDE ALLEY, 75 FEET FROM ITS SOUTH INTERSECTION WITH ANDERSON STREET BETWEEN W.J. HODGE AND 20TH STREETS, CONTAINING 0.04 ACRES, A SECTION OF 20TH STREET, 72 FEET SOUTH OF ITS INTERSECTION WITH ANDERSON STREET AND RUNNING SOUTH 304 FEET, CONSISTING OF A 60-FOOT-WIDE RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.18 ACRES, AND A SECTION OF KENDALL COURT 64 FEET FROM ITS SOUTHERN INTERSECTION, RUNNING 186 FEET SOUTH, CONSISTING OF A 40-FOOT-WIDE RIGHT-OF-WAY CONTAINING APPROXIMATELY 0.18 ACRES, ALL BEING IN LOUISVILLE METRO (CASE NO. 9202). (3-4-09) (**Ordinance 19, Series 2009**)

Status:	On Council Agenda - Old Business
Committee:	Planning/Zoning, Land Design & Development
Primary Sponsor:	Tom Owen

PRESIDENT TANDY: Is there a motion to approve?
COUNCILWOMAN WOOLRIDGE: So moved.
COUNCILMAN ENGEL: Second.

PRESIDENT TANDY: Properly moved and seconded. This item is now before us. Councilman Owen.

COUNCILMAN OWEN: Yes, Mr. President and colleagues. This item was heard in the Planning/Zoning, Land Design and Development Committee on two occasions. On both of those occasions, three -- two property owners who are adjacent to this alley and two street closings, 20th Street, Kendall Court, and the alley in between, were there at the committee, and they also had their day before the Planning Commission, when this first came out with approval from the Planning Commission.

This is an issue that goes back to 2007. Planning Commission, on two occasions, heard evidence. And it involves the northwest corner of the old Philip Morris site. As you know, when Philip Morris closed their tobacco works, the City acquired the property. They, in turn, turned it over to a developer of a new bridged -- new bridge crossing town center, which was a mixed-use commercial development. Many, many buildings were torn down. There was some environmental remediation. Nothing has been built. But the developers of the town center have bought some of the adjacent property along 20th and along the alley and along Kendall Court just south of Anderson street, which is south of Broadway. The two

adjacent property owners, especially the Browns and Mr. Buford on Kendall Court, have been very dissatisfied with the noise and the dust associated with what's been going on. They do not feel like they have had their day to understand how -- what's going to happen in this development. I'm sure the economic times have slowed the development of the whole project.

But the developer came wanting to acquire -- after having acquired adjacent properties -- expanding, as it were, their perimeter fence that would impact these two neighbors. And they asked, for instance, before the Planning Commission for a turnaround at Kendall Court and 20th Street. The Public Works Department decided that since they were so close to Anderson to the north that they really didn't need a dedicated turnaround at that dead end of their streets. And so as a result, after a great deal of discussion before our committee on two separate occasions, a great deal of testimony by the Browns and Mr. Buford, the committee brings before you a recommendation that we go ahead and approve the closings.

I have spoken to President Tandy, who represents the area, and expressed some of the concerns that Mr. Buford and the Browns have expressed. And so it comes to us as a recommendation today from my committee that I chair that we approve these closings. All of the public agencies, incidentally, have approved the closings, and so it -- and so that is what I bring to us today.

PRESIDENT TANDY: Is there any further discussion? Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, thank you. I was just reading some of the minutes from the Planning Commission. This Larry Buford, the neighbor on Kendall Court, said he was affected by the road closures. He said neither the garage nor the family will be able to access the road after the road closure. Are we taking this into consideration or am I reading this particular minutes right here? Is this a homeowner and he will not be able to access his home after the closure? What is that saying?

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I can tell you, Council colleague, Mr. President, that we struggled as a committee, and the Planning Commission struggled as a commission, to understand how access to Mr. Buford or the Browns' home would be denied. For the life of us, I did not understand how it would be denied. Now, they're going to be on a very tight dead-end portion of their streets, but they are just doors away, if not feet away, from Anderson Street, which is an east-west street that parallels Broadway to the south, it's just south of Broadway, and it's my belief that still -- they are going to be an a dead-end portion of their street, but it's like a two-door, at the most, piece of dead end, and so they will back out onto Anderson or -- they're going to be very, very close to Anderson. So we have struggled to understand it. And in my committee, I can tell you, had Mr. Buford and Mr. And Mrs. Brown testified before our committee for perhaps 40 minutes -- now, this is a committee that normally doesn't take public testimony. But since it was an alley closing and our rules allow for this kind of public testimony, and after all of the discussion that we heard as a committee -- and I promise you, on two occasions, the Planning Commission had heard similar testimony in 2008. We believe we took the recommendation of the Planning Commission, which was unanimous, and bring this as a recommendation to close. I did not understand how they would be denied access to their houses.

PRESIDENT TANDY: Any further discussion? Councilman Stuckel.

COUNCILMAN STUCKEL: Yeah. Councilwoman Woolridge, I sit on that committee, and it was pretty apparent that they were having trouble looking at the plan and understanding the plan. It wasn't a question -- there's no question that they have access, but I don't think that they really understood how to look at the plan and understand how the streets were laid out and how they were going to come in and out, but it -- it was clear that they have access to their property. It would be absolutely wrong for us to ever deny them access, and we wouldn't do that.

PRESIDENT TANDY: Councilman Owen.

COUNCILMAN OWEN: I will also comment that I think there's at least one other dynamic in their opposition and their reluctance to sign off as normally is the case, since they are adjacent property

owners. Clearly, the TMG developer owns both -- all of the property that would be fenced off. But I think they have been unhappy with the demolition and the remediation and unhappy with the developer and, frankly, also anxious about what the plan for this new bridge town center is, and frankly, all anyone has ever seen is a conceptual drawing. They do not have detailed plans at this point. My guess is they do not have full financing of their proposed redevelopment. And as a result, they would have to bring their specific plans for a category three review, but they're not ready to do that yet. But they want to consolidate their site and to go ahead and remove structure and remove infrastructure in front of property that TMG has bought.

So this is a nettlesome issue. I don't think there's any question. I understand Mr. Buford and the Browns' anxiety over the change, concern about the closings, but I do not understand the notion that they would be denied access to their homes.

PRESIDENT TANDY: Any further discussion? Seeing none, this is an ordinance, calling for a roll call vote. Madam Clerk, please open the voting.

Voting Result – Item 48

JUDY GREEN: YES
BARBARA SHANKLIN: YES
MARY WOOLRIDGE: PRESENT
PRESIDENT DAVID TANDY: YES
CHERI BRYANT HAMILTON: EXCUSED EARLY
GEORGE UNSELD: YES
KEN FLEMING: YES
TOM OWEN: NOT VOTING
TINA WARD-PUGH: EXCUSED ABSENCE
JIM KING: YES
KEVIN KRAMER: EXCUSED EARLY
RICK BLACKWELL: EXCUSED EARLY
VICKI WELCH: YES
BOB HENDERSON: YES
MARIANNE BUTLER: YES
KELLY DOWNARD: EXCUSED EARLY
GLEN STUCKEL: YES
JON ACKERSON: YES
HAL HEINER: YES
STUART BENSON: YES
DAN JOHNSON: YES
ROBIN ENGEL: YES
JAMES PEDEN: YES
MADONNA FLOOD: YES
DOUG HAWKINS: YES
BRENT ACKERSON: YES

CLERK: There are 20 Yes votes, one present vote from Councilwoman Woolridge and 5 not voting. Council Members Hamilton, Ward-Pugh Kramer, Blackwell And Downard.

PRESIDENT TANDY: **The ordinance passes.**

Madam Clerk a reading of Item 49.

49- O-214-11-08 AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] RELATING TO ETHICS (AS AMENDED).

Status: On Council Agenda - Old Business

Committee: Rules, Ethics, & Appointments
Primary Sponsor: Kenneth C. Fleming

PRESIDENT TANDY: Thank you, Madam Clerk. This item was postponed originally from our December 18th meeting. I don't need a motion or a second. We now have the committee's amended version before us. Is there any discussion? Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I recommend we postpone this until the 26th, I believe, of February, for a vote. As you all know, we are still working on this particular ordinance, making some good progress, and a copy of the revised what we come up with will be forthcoming I believe on Tuesday. That's our initial -- or that's our indication or intent, I should say to get it out to you all next Tuesday.

PRESIDENT TANDY: Okay. Without any objection, this item will remain postponed until the February the 26th meeting.

NEW BUSINESS:

PRESIDENT TANDY: With that, we are now moving into the new business portion of our agenda. Madam Clerk, a reading of those items.

50- R-20-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ENTER INTO AGREEMENTS WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS CONCERNING TEN GRANTS DESCRIBED HEREIN.

Status: On Council Agenda - New Business
Committee: Transportation/Public Works
Primary Sponsor: Tom Owen

51-R-23-02-09 A RESOLUTION RATIFYING A PERFORMANCE BOND FOR THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CLERK.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: David Tandy

52- R-24-02-09 A RESOLUTION REQUESTING THAT THE LOUISVILLE GAS AND ELECTRIC COMPANY (LG&E) DEVELOP OTHER MEANS AND METHODS OF COMMUNICATION WITH METRO LOUISVILLE RESIDENTS, ESPECIALLY DURING EMERGENCY SITUATIONS SUCH AS POWER OUTAGES

Status: On Council Agenda - New Business
Committee: Community Affairs
Primary Sponsor: Dan Johnson

53- R-21-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$1,398,855 THROUGH THE CRIMINAL JUSTICE COMMISSION TO SUPPORT THE PURCHASE OF INTEROPERABLE COMMUNICATIONS AND PREPAREDNESS EQUIPMENT AND TRAINING FOR METROSAFE, LOUISVILLE METRO POLICE, LOUISVILLE FIRE AND LOUISVILLE METRO EMERGENCY MEDICAL SERVICES SPECIAL RESPONSE TEAMS.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Madonna Flood

54- R-22-02-09 A RESOLUTION AUTHORIZING THE MAYOR TO ACCEPT A GRANT FROM THE KENTUCKY DEPARTMENT OF HOMELAND SECURITY IN THE AMOUNT OF \$10,000 THROUGH THE CRIMINAL JUSTICE COMMISSION TO SUPPORT PUBLIC SAFETY PERSONNEL EXPENSES INCURRED DURING METRO AREA CRITICAL INFRASTRUCTURE VULNERABILITY ASSESSMENTS.

Status: On Council Agenda - New Business
Committee: Public Safety
Primary Sponsor: Madonna Flood

55- O-21-02-09 AN ORDINANCE OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT AUTHORIZING AND RATIFYING ACTIONS IN THE STRUCTURING, STAFFING, PLANNING AND PREPARATION OF ALL DOCUMENTATION, INCLUDING AN ESCROW AGREEMENT, IF APPLICABLE, FOR THE ISSUANCE OF CERTAIN GENERAL OBLIGATION [REFUNDING] BONDS OR GENERAL OBLIGATION [REFUNDING] NOTES OF THE METRO GOVERNMENT IN ONE OR MORE SERIES; AUTHORIZING THE ISSUANCE OF SUCH BONDS TO (i) FINANCE THE COSTS OF NEW MONEY PROJECTS AND (ii) REFINANCE ALL OR A PORTION OF THE ISSUER'S OUTSTANDING GENERAL OBLIGATION BOND ANTICIPATION NOTES, SERIES 2008A AS FURTHER SET FORTH HEREIN; SETTING FORTH THE TERMS AND CONDITIONS ON WHICH THE BONDS ARE TO BE ISSUED AND SOLD; DEFINING AND PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PROVIDING FOR THE APPLICATION OF THE PROCEEDS THEREOF; AND TAKING OTHER RELATED ACTION.

Status: On Council Agenda - New Business
Committee: Budget
Primary Sponsor: Jim King

56- R-25-02-09 A RESOLUTION DETERMINING ONE (1) VACANT PARCEL OF REAL PROPERTY LOCATED AT 2114 ANDERSON STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("METRO GOVERNMENT") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING ITS TRANSFER.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: David Tandy

57- O-23-02-09 AN ORDINANCE CLOSING A SECTION OF OLD HENRY FARM COURT FROM ITS SOUTHERN INTERSECTION WITH TERRA CROSSINGS BOULEVARD RUNNING SOUTHWESTERLY TO I-265, ALSO KNOWN AS THE GENE SNYDER FREEWAY, BEING AN IRREGULARLY-SHAPED PARCEL CONTAINING 1.011 ACRES, AND BEING IN LOUISVILLE METRO (CASE NO. 11479).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

58- O-22-02-09 AN ORDINANCE CHANGING THE ZONING FROM R-4 AND R-5 SINGLE-FAMILY RESIDENTIAL AND R-7, MULTI-FAMILY RESIDENTIAL TO C-1, COMMERCIAL ON PROPERTY LOCATED AT 4101 AND 4109 TAYLORSVILLE ROAD, CONTAINING A TOTAL OF 3.74 ACRES, OF WHICH 2.8 IS PROPOSED TO BE REZONED, AND BEING IN LOUISVILLE METRO (CASE NO. 10863).

Status: On Council Agenda - New Business
Committee: Planning/Zoning, Land Design & Development
Primary Sponsor: Tom Owen

ADJOURNMENT:

There being no further business, the regular **February 12, 2009** Metro Council meeting adjourned without objection on a motion from Councilwoman Welch and second from Councilman Owen at 8:00 pm EST.

Kathleen J. Herron, Metro Council Clerk

David W. Tandy, Metro Council President

Announcements were made by Councilwoman Welch and Councilman Owen.
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